

State of Wisconsin



2009 Senate Bill 41

Date of enactment: **December 10, 2009**

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2009 WISCONSIN ACT 96

AN ACT *to amend* 119.04 (1); and *to create* 118.075 and 119.23 (7) (g) of the statutes; **relating to:** indoor environmental quality in public and private schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.075 of the statutes is created to read:

118.075 Indoor environmental quality in schools.

(1) DEFINITION. In this section, "task force" means the indoor environmental quality in schools task force established under sub. (2).

(2) TASK FORCE. (a) The state superintendent shall establish a special committee under s. 15.04 (1) (c) called the indoor environmental quality in schools task force. The task force shall consist of the following members:

1. The state superintendent or his or her designee.
2. The secretary of commerce or his or her designee.
3. The secretary of health services or his or her designee.
4. One member who is a representative of the Wisconsin Association of School Boards.
5. One member who is a representative of the Wisconsin Association of School District Administrators.
6. Three members who are representatives of the Wisconsin Association of School Business Officials and who have expertise in indoor environmental quality in schools.
7. One member who is a representative of the Wisconsin Council of Religious and Independent Schools.
8. One member who is a representative of the Wisconsin Association of School Nurses.

9. One member who is a representative of the largest statewide labor organization representing teachers.

10. One member who is a representative of the largest statewide organization representing parents of pupils.

11. One member who is an occupational health physician or allergist and who has expertise in indoor environmental quality in schools.

12. One member who is registered as an architect under ch. 443 and who has expertise in school design and construction.

13. One member who is registered as a professional engineer under ch. 443 and who has expertise in the design of mechanical systems for schools.

14. Two members who are industrial hygienists certified by the American Board of Industrial Hygiene and who have expertise in indoor environmental quality in schools.

(b) The state superintendent shall appoint the members of the task force specified in par. (a) 4. to 14., shall appoint or determine the method of appointment of the officers of the task force, and shall call the first meeting of the task force.

(c) The department shall provide administrative support services to the task force. The task force may call upon any state agency or officer to assist the task force, and those agencies or officers shall cooperate with the task force to the fullest extent possible. The department may contract with professionals who are knowledgeable

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

and experienced in indoor environmental quality management in schools to assist the task force in making its recommendations under par. (e) 1.

(d) The department of administration shall reimburse members of the task force for their actual and necessary expenses incurred in carrying out their functions from the appropriation account under s. 20.505 (1) (ka).

(e) The task force shall do all of the following:

1. Make recommendations to the department for the development of a model management plan for maintaining indoor environmental quality in public and private schools that reflects best management practices. The task force shall consider including in its recommendations all of the following components:

a. Designating a school district or private school employee as the indoor environmental quality contact for the school district or private school.

b. Establishing an indoor environmental quality committee composed of school administrators, teachers, educational support professionals, and custodial and maintenance staff.

c. Developing a plan for communicating with school district or private school employees, pupils, and parents and guardians of pupils about indoor environmental quality problems, including test results, and proposed schedules for remediation.

d. Identifying procedures for handling complaints about indoor environmental quality.

e. Acknowledging that the school district or private school will continue to meet all health and safety laws or codes that apply to the school district or private school.

f. Developing a plan for addressing indoor environmental quality issues noted during an evaluation of building systems performed in accordance with department rules on safe and healthful facilities.

g. Providing for an annual review of the management plan by the indoor environmental quality contact and the school board or private school governing board.

2. Recommend indoor environmental quality training requirements for school district or private employees who are responsible for the operation and maintenance of schools.

3. Recommend educational materials relating to indoor environmental quality in schools.

4. Recommend model specifications for the design and construction of school facilities and for additions and structural alterations to school facilities that promote indoor environmental quality and that ensure that the building's systems are planned, designed, installed, tested, operated, and maintained to perform efficiently and to meet the school district's or private school's needs.

(f) Upon completing its duties under par. (e), the task force shall report its findings and recommendations to the appropriate standing committees of the legislature under s. 13.172 (3) and to the governor. The task force shall

cease to exist on the date on which the department issues its model management plan under sub. (3).

(3) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS MODEL MANAGEMENT PLAN. By the first day of the 12th month beginning after the month in which the task force submits its report under sub. (2) (f), the department shall establish a model management plan and practices for maintaining indoor environmental quality in public and private schools. In developing the plan and practices, the department shall consider the recommendations of the task force.

(4) SCHOOL DISTRICT PLANS. (a) By the first day of the 3rd month beginning after the month in which the department establishes the model management plan and practices under sub. (3), each school board shall provide for the development of a plan for maintaining indoor environmental quality in its schools.

(b) By the first day of the 12th month beginning after the month in which the department establishes the model management plan and practices under sub. (3), each school board shall implement a plan for maintaining indoor environmental quality in its schools.

(c) Each school board shall provide a copy of the plan implemented under par. (b) to any person upon request.

SECTION 2. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 3. 119.23 (7) (g) of the statutes is created to read:

119.23 (7) (g) 1. By the first day of the 3rd month beginning after the month in which the department establishes the model management plan and practices for maintaining indoor environmental quality in public and private schools under s. 118.075 (3), or by October 1 of a private school's first school year of participation in the program under this section, whichever is later, the private school shall provide for the development of a plan for maintaining indoor environmental quality in the private school.

2. By the first day of the 12th month beginning after the month in which the department establishes the model management plan and practices for maintaining indoor

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environmental quality in public and private schools under s. 118.075 (3), or by the beginning of the 2nd school year of participation in the program under this section, whichever is later, the private school shall implement a plan for maintaining indoor environmental quality in the private school.

3. Each private school participating in the program

under this section shall provide a copy of the plan implemented under subd. 2. to any person upon request.

SECTION 4. Effective date.

(1) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS. This act takes effect on the first day of the 2nd month beginning after publication.